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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,432	02/19/2002	Pedro Emilio Rengifo	DN1999205USA	3710

7590 03/24/2004

The Goodyear Tire & Rubber Company  
Patent & Trademark Department  
Department 823  
1144 East Market Street  
Akron, OH 44316-0001

EXAMINER

GOFF II, JOHN L.

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/069,432	<b>Applicant(s)</b> RENGIFO ET AL.	
	<b>Examiner</b> John L. Goff	<b>Art Unit</b> 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This action is in response to the amendment received 1/20/04.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott (U.S. Patent 3,041,661) in view of Peterson (U.S. Patent 2,449,668).

Elliott discloses a process for making a conveyor belt where the edges of the belt are restricted during curing (Column 2, lines 5-24). Elliott teaches a method comprising providing a lay-up of at least two uncured belt layers, applying a restrictive material to the longitudinal edges of the lay-up, curing the lay-up to form a belt, and removing the material from the longitudinal edges of the belt (Figures 2 and 3). Elliott teaches applying the restrictive material as a flat sheet (film) such that the edges of the sheet are folded over the longitudinal edges of the lay-up to form

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the sheet into a u-shape comprising a pair of opposing legs (the distance between the legs being less than the thickness of the uncured laminate as shown in Figure 4), and the sheet having an overall configuration corresponding to the configuration of the longitudinal edges of the lay-up (Figures 3 and 4). Elliott teaches the restrictive material may comprise a sheet of metal weave (i.e. lightweight metal mesh/foil), glass fiber, etc. (Column 2, lines 68-72 and Column 3, line 1), and Elliott teaches the material may be provided with adhesive or staples, i.e. small prongs (Column 3, lines 15-19). Elliott is silent as to specifically applying the restrictive material in a prefolded u-shape as opposed to folding the edges of the restrictive material during its application although it is noted Elliott discloses that restrictive materials of a preformed shape are known in the art (Column 1, lines 51-55). In any event, it would have been well within the purview of one of ordinary skill in the art at the time the invention was made to apply the restrictive material taught by Elliott having a either a prefolded u-shape or folding the material to have a u-shape during its application as both methods were well known and conventional alternatives in the art for applying a restrictive material to the longitudinal edges of a lay-up as shown for example by Peterson and only the expected results would be achieved, i.e. both techniques would result in applying a restrictive material to the longitudinal edges of the lay-up.

Peterson discloses applying a restrictive material to the longitudinal edges of a lay-up wherein the restrictive material is applied as either a prefolded u-shape or as a sheet that is folded during its application (Column 5, lines 23-38).

*Response to Arguments*

5. Applicant's arguments filed 1/20/04 have been fully considered but they are not persuasive.

Applicant argues, "It is recognized in the Office Action that Elliot is silent about applying the ribbon 28 as a preform, "although it is noted Elliot discloses that restrictive preforms are well known in the art (Column 1, lines 51-55)" (Office Action, pg 3). Applicants disagree with this characterization of these teachings of Elliot. At column 1, lines 51-55, Elliot discloses that rectangular steel side bars or molded edge rings for use with a rotary mold are known to restrain the belt edges during curing." It is noted the examiner was not relying on Elliot as a teaching of restrictive preforms wherein the term preform requires a material with a prefabricated channel. Rather, the examiner was only referring to the teaching by Elliot that restrictive materials of a preformed shape (e.g. steel side bars or molded edge rings) are known in the art.

Applicant further argues, "Elliot is directed toward manufacturing a conveyor belt wherein an edging material temporarily applied during curing to achieve a desired look in the finished belt. Peterson has absolutely nothing to do with manufacturing belts; he teaches a permanent edging material that is applied as an integral part of the finished product. There is no direct motivation in Peterson to use the preform of Peterson in Elliot as Peterson does not teach removing the material after assembly of the product and the products produced are completely dissimilar." It is noted the combination of Elliott and Peterson is not to place the preform of Peterson in Elliot rather Peterson is combined with Elliott as an exemplary teaching of it being well known and conventional in the art to apply a restrictive material to the longitudinal edges of

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a lay-up as either a prefolded u-shape or folding the material during its application to have a u-shape (both alternatives achieving the same result).

Applicant further argues, "Claim 3 recites that after curing, the preform maintains or returns to its pre-formed u-shape. This is not disclosed in Elliot as modified by Peterson. The preform taught by Peterson is not removed, and thus it is unknown if upon removal, it would maintain or return to its original shape. As Peterson teaches further deformation of the channel to enclose the brush material, one skilled in the art would likely appreciate that return of the preform is highly speculative and unlikely." It is noted Elliot discloses using as the restrictive material a sheet of metal weave. The combination of Elliot and Peterson result in a sheet of metal weave having a prefolded u-shape applied to the longitudinal edges of a belt lay-up wherein upon removal the sheet of metal weave would at least maintain its shape unless it was deformed from some external applied force.

Applicant further argues, "Claim 5 recites a distance between the legs of the preform. Neither Elliot nor Peterson disclose such a distance of less than the thickness of the uncured laminate. Elliot, by way of Fig. 4 showing the belt prior to cure, suggests that the distance is greater for the majority of the its length. Peterson is silent on the issue, though Fig 3 suggests that the distance is equivalent." It is noted Elliot shows the restrictive material having a u-shape that at least in part is less than the thickness of the uncured lay-up (See Figure 4) and as such the claimed limitation is met.

Applicant further argues, "Claim 6 recites that the preformed material is comprised of small prongs to bite into the laminate. Reference is made to Elliot's teaching of stapling the ribbon into place. However, the claim language recites that the preform is comprised of prongs,

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i.e. the prongs are an integral part of the preform, contrary to the use of a separate and distinct staple means to secure the ribbon of Elliot.” It is noted the claims require the preform to further comprise small prongs. Elliot in view of Peterson teach a restrictive material having a prefolded u-shape applied to the longitudinal edges of a belt lay-up, the material being further secured to the belt lay-up by applying staples through the material to bite into the outer layer of the belt lay-up. Thus, the claimed limitation of a flexible, restrictive material further comprising small prongs is met.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

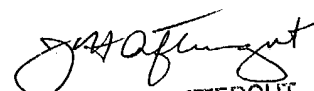
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John L. Goff  
March 18, 2004



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300